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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,933	01/03/2002	Chin-Lien Huang	HUANG=141	2275

1444 7590 04/29/2005

BROWDY AND NEIMARK, P.L.L.C.  
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WASHINGTON, DC 20001-5303

EXAMINER

NGUYEN, TAM M

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/033,933	HUANG, CHIN-LIEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tam Nguyen	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/3/03 &amp; 2/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Response to Amendment***

1. The amendment dated February 4, 2005 have been received and entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 5, 7 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Simonson (6,458,061).

2. As to claims 1-3, 5 and 7, Simonson discloses an exercise drawing assembly comprising two controlling members having a plurality of openings (76), two hollow core arms (12,14) pivoted to said controlling members respectively for rotation about their respective axes only (about 74), each arm includes a positioning member/bolt (80) to fix the arms to various orientations, a pulley pivoted to a distal end thereof and a holding member (30) that can be pulled in a given direction via a rope that passes around said pulleys and having one end of the rope connected to a burden assembly (32) and the other end of the rope connected to the holding member wherein the axes of rotation of the controlling members (about 74) and the direction in which the holding members are pulled can lie in a common plane (see Col. 5, lines 1-16 and Figs. 1-3, 5 & 8).

3. As to claim 8, Simonson discloses an exercise device as described above. Simonson further discloses that each of the axes of rotation of the controlling members (about 74) is substantially parallel to the given direction in which a respective one of said holding members is pulled (see Col. 5, lines 1-16 and Figs. 1-3, 5 & 8).

Claims 1 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Stone (US 2003/0045406 A1).

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4. As to claims 1 and 9, Stone discloses an exercise drawing assembly comprising two controlling members (36) having a plurality of openings (24a, 24b), two arms (16a, 16b) pivoted to said controlling members respectively for rotation about their respective axes (at 27), each arm includes a positioning member/bolt (22a, 22b) to fix the arms to various orientations, two holding members (18a, 18b) that can be pulled in a given direction each via a rope connected to a burden assembly (32) at one end and a holding member at the other end wherein the axes of rotation of the controlling members and the direction in which the holding members are pulled can lie in a common plane (see Paragraph 0034 and Figs. 1-3 & 5). Stone further discloses that each arm comprises a main tube (16a, 16b) and a side tube (44) transverse to the main tube wherein the side tube is pivoted to a respective one of said controlling members (36) (see Fig. 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simonson (6,458,061) in view of Sechrest et al. (6,488,612).

5. As to claim 6, Simonson discloses an exercise device as described above (see discussion of claim 5). Simon does not disclose that the distal end of the rope is provided with a chain that connects to a holding member. Sechrest et al. disclose a similar exercise device wherein the distal end of the rope includes a chain that is connected to a handle/holding member (see Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add a chain to the end of the rope to provide for a reinforced connection between the rope and the handle.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection. Also Simonson discloses that the ropes (28) can be pulled in a direction that lies in a plane that is common to the axes (at 74) about which the arms (12, 14) pivot relative to the controlling members (78). That is, the ropes can be pulled in a horizontal direction such that the direction is parallel to or is in the same plane as the axes of rotation of the arms since the arms include a pivoting pulley at its distal end that allows the rope to be pulled into any of an array of directions (see Col. 4, lines 60+ and Fig. 4).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

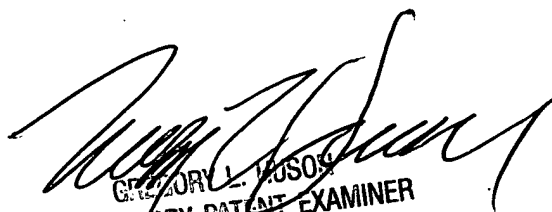
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F, 9-5.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 26, 2005

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